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N. KENNETH BURRASTON KIRTON & MCCONKIE P.O. BOX 45120 SALT LAKE CITY UT 84145-0120

MAILED

OCT 19 2009

OFFICE OF PETITIONS

In re Application of

David V. Pedersen, et al.

Application No. 09/539,287

Filed: May 30, 2000

Attorney Docket No. P48D1-US

DECISION GRANTING PETITION

: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 16, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 5, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2841 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson

Petitions Examiner

Office of Petitions

The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). <u>Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.</u>

Ref. No.: 12439-0270

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

09/539,287

Conf. No.:

8250

Applicant

Pedersen et al. March 30, 2000

Filed TC/A.U.

2841

Examiner

Jeremy C. Norris

Docket No.

P48D1-US

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.313(c)TO WITHDRAW FROM ISSUE

To Whom It May Concern:

Applicants respectfully petition the Director under 37 C.F.R. § 1.313(c) that the above-identified patent application be withdrawn from issue to consider Applicants' Request For Continued Examination ("RCE") of the application (see 37 C.F.R. § 1.313(c)(2)) and Information Disclosure Statement ("IDS"). An RCE in compliance with 37 C.F.R. § 1.114 and an IDS is submitted herewith. The IDS cites the following Japanese patent documents that were first cited by the Japanese Patent Office in an action dated May 7, 2009: JP 07-240361, JP 63-012156, JP 01-260890, JP 03-088352, and JP 05-326357. The IDS also cites JP 63-062342 and JP 01-150862.

Applicants paid the issue fee in the above-identified patent application on January 5, 2009. References JP 07-240361, JP 63-012156, JP 01-260890, JP 03-088352, and JP 05-326357 were cited by the Japanese Patent Office in a corresponding Japanese patent application. These references were identified to Applicants in a communication dated May 21, 2009 from Japanese patent counsel. (A copy of the communication from Japanese patent counsel is attached as 10/20/2009 LDIEP1 10/20/20

09539287

Appl. No. 09/539,287 Petition dated October 16, 2009

Applicants believe that allowing the Examiner to consider those references constitutes good and sufficient reason for withdrawing the application from issue.

For the reasons discussed above, Applicants respectfully request that the above-identified patent application be withdrawn from issue and prosecution reopened in accordance with the RCE submitted herewith to allow the Examiner to consider the.

Applicants authorize the Director to charge the petition fee of \$130.00 as set forth in C.F.R. 17(h) to Deposit Account No. 50-0843 (order no. 12439-0270), and Applicants authorize the Director to charge an RCE fee of \$810.00 to Deposit Account No. 50-0843 (order no. 12439-0270). In addition, Applicants authorize the Director to charge any additional fee or any deficiency in the fees provided for as needed for acceptance of this paper to Deposit Account No. 50-0843 (order no. 12439-0270).

Respectfully submitted,

Date: October 16 2009

By /N. Kenneth Burraston/
N. Kenneth Burraston
Reg. No. 39,923

Kirton & McConkie P.O. Box 45120 Salt Lake City, Utah 84111-1004 Telephone: (801) 426-2106

Fax: (801) 321-4893